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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,418	09/20/2001	Shane Lincke	10558-005-999	5538

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EXAMINER

BHATIA, AJAY M

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/960,418	Applicant(s) LINCKE, SHANE	
	Examiner Ajay M. Bhatia	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comroe et al. (U.S. Patent 4,926,495 referred to as Comroe).
2. For claim 1, Comroe teaches, a computer aided dispatch system comprising:
a master dispatch database comprising one or more data tables, each data table having one or more entries, each containing information pertaining to the dispatch of services by one or more mobile units;
a central dispatch computer system capable of accessing the master dispatch database;
comprising a processor and a local dispatch database;
wherein, whenever a change is made to the master dispatch database by the central dispatch computer system, the change is automatically sent by the central dispatch computer system to the one or more mobile terminals, which in turn each make a substantially similar change to its local dispatch database. (See Comroe, Col: 4 lines 28-60)

Comroe fails to teach, a mobile terminal

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a laptop since it is the functional equivalent of a IBM personal computer since it is well known in the art that a laptop offers benefits of offering mobility as well as a smaller form factor. (See Comroe, Col. 5 lines 23-36)

3. For claim 2, Comroe teaches, the system of claim 1 wherein the change is sent by the central dispatch computer system at substantially the same time the change is made to the master dispatch database. (See Comroe, Col. 5 lines 23-36)

4. Claims 10, and 11 disclose the same limitation but in the form of a method as opposed to a system, the rejection applied to claims 1, and 2 applies equally as well to claims 10, and 11.

5. Claims 3, 6, 7, 8, 12, 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comroe in view of Castillo et al. (U.S. Patent 5,379,337 referred to as Castillo).

6. For claim 3, Comroe teaches, the system of claim 2 wherein the change is one of an a modification of an existing entry in the master dispatch database, (See Comroe, Col. 7 lines 1-17)

Comroe fails to teach, the system of claim 2 wherein the change is addition of a new entry in the master dispatch database, and a deletion of an entry in the master dispatch database.

Castillo teaches, the system of claim 2 wherein the change is addition of a new entry in the master dispatch database, and a deletion of an entry in the master dispatch database. (See Castillo, Col. 46 line 35 to Col. 47 line 2, Col. 56 lines 23-54, Col. 57 lines 30-54 and Col. 58 lines 1-5)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Comroe with the method of Castillo because both provide for improvements to the public safety systems. (See Castillo, Col. 4 lines 6-14) and (See Comroe , Col. 2 lines 50-62)

7. For claim 6, Comroe teaches, the system of claim 2 wherein the central dispatch computer system comprises a dispatch server and a gateway computer, wherein the dispatch server is capable of making the change to the master dispatch database and the gateway computer is capable of accessing the master dispatch database and (See Comroe, Col. 5 lines 23-36)

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Comroe fails to teach, sending information about new, modified and deleted entries to the one or more mobile terminals.

Castillo teaches, sending information about new, modified and deleted entries to the one or more mobile terminals. (See Castillo, Col. 46 line 35 to Col. 47 line 2, Col. 56 lines 23-54, Col. 57 lines 30-54 and Col. 58 lines 1-5)

The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 6.

8. For claim 7, Comroe-Castillo teaches, the system of claim 6 wherein each entry in the master dispatch database comprises a send field, indicating whether the entry should be sent to the one or more mobile terminals. (See Castillo, Col. 46 line 35 to Col. 47 line 2, Col. 56 lines 23-54, Col. 57 lines 30-54 and Col. 58 lines 1-5)

The same motivation that was utilized in the rejection of claim 6, applies equally as well to claim 7.

9. For claim 8, Comroe-Castillo teaches, the system of claim 7 wherein the gateway computer accesses the master dispatch database and sends to the one or more mobile terminals information regarding those entries in which the send field is set to indicate

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that the entry should be sent. (See Castillo, Col. 46 line 35 to Col. 47 line 2, Col. 56 lines 23-54, Col. 57 lines 30-54 and Col. 58 lines 1-5)

The same motivation that was utilized in the rejection of claim 6, applies equally as well to claim 8.

10. Claims 12, 15, 16, and 17 disclose the same limitation but in the form of a method as opposed to a system, the rejection applied to claims 3, 6, 7 and 8 applies equally as well to claims 12, 15, 16, and 17.

11. Claims 4, 5, 13 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Comroe-Castillo as applied to claims 3, 6, 7, 8, 12, 15, 16, and 17 are above, and further in view of Franza (U.S. Patent 6,035,187).

12. For claim 4, Comroe teaches, the system of claim 3 wherein the master dispatch database comprises a master call data table and the local dispatch database on each mobile terminal comprises a local call data table, (See Comroe, Col. 7 lines 18-35 and Col. 7 line 56 to Col. 8 line 24)

Comroe fails to teach, each entry in the master call data table and the local call data table containing information about a matter for which services must be dispatched.

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Franza teaches, each entry in the master call data table and the local call data table containing information about a matter for which services must be dispatched. (See Franza, Col. 7 line 35 to Col. 8 line 40)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Comroe-Castillo with the method of Franza because both provide improvements to the for public safety communication systems. (See Castillo, Col. 4 lines 6-14), (See Comroe, Col. 2 lines 50-62) and (See Franza, Col 1. lines 11-41)

13. For claim 5, Comroe teaches, the system of claim 4 wherein the master dispatch database further comprises a master unit data table and the local dispatch database on each mobile terminal further comprises a local unit data table, each entry in the master unit data table and the local unit data table containing information about one of the mobile units. (See Comroe, Col. 7 lines 18-35 and Col. 7 line 56 to Col. 8 line 24)

The same motivation that was utilized in the rejection of claim 4, applies equally as well to claim 6.

14. Claims 13 and 14 disclose the same limitation but in the form of a method as opposed to a system, the rejection applied to claims 4 and 5 applies equally as well to claims 13 and 14.

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15. Claims 9 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Comroe-Castillo as applied to claims 3, 6, 7, 8, 12, 15, 16, and 17 above, and further in view of Fumarolo et al. (U.S. Patent 6,204,844).

16. For claim 9, Comroe-Castillo teaches, the system of claim 8 further comprising a switch attached to the gateway computer capable of wireless transmission (See Comroe, Col. 6 lines 35-47)

Comroe-Castillo fails to teach, wherein the one or more mobile terminals further comprise a wireless modem that is attached to the processor.

Fumarolo teaches, wherein the one or more mobile terminals further comprise a wireless modem that is attached to the processor. (See Fumarolo, Col. 4 lines 43-58)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Comroe with the method of Castillo and Fumarolo because both provide for improvements to the public safety systems. (See Castillo, Col. 4 lines 6-14), (See Comroe, Col. 2 lines 50-62) and (See Fumarolo, Col. 1 lines 33 and 42)

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17. Claim 18 disclose the same limitation but in the form of a method as opposed to a system, the rejection applied to claim 9 applies equally as well to claim 18.

Response to Arguments

18. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., real time status information regarding calls and mobile unit availability to mobile units) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

19. In response to the second argument that "one or more mobile terminals, comprising a processor and a local dispatch database" support for an obvious variant is provided in Col. 4 line 61 to Col. 5 line 36. Hence claims 1 and 10 are not allowable.

20. In response to rest of arguments that are based on failure to teach claims 1, and 10 are mute in light of response to those arguments above, which teach claims 1 and 10, hence dependant claims 2-9 and 11-18 are also not allowable.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gallant et al. (U.S. Patent 5,761,500) discloses a system that is used for wireless communication with a database.
22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watanabe et al. (U.S. Patent 5,819,016) discloses a system that provides three-dimensional information as to a location of monitored vehicles.
23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Farrar et al. (U.S. Patent 6,122,671) discloses a system that mobile communication system for a computer aided dispatch system.
24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Froeberg (U.S. Patent 6,233,517) disclose a system that based on positional information of vehicles connected to the system it calculates which vehicle can respond most quickly to a location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M. Wallace can be reached on (571)-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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